



DCFS Weekly Update From the State Office

Wednesday, November 22, 2000

Joyous Season Payments to Foster Children

By Linda O'Brien

Attached is a memo from Ken Patterson about the joyous season payments to foster children. These payments will be mailed out on Monday, December 4, 2000, so time is of the essence. Please read through this memo carefully as it explains in detail what steps to take for ensuring these payments are made in a timely manner. You may contact me directly if you have any questions about this matter.

Initial Court Order Requirements--Changes in Federal Foster Care Regulations, Part 2

By Cosette Mills, Federal Revenue Manager

As I reported in my last article, changes made in Federal foster care regulations earlier this year primarily fall into four categories: (1) removal home, (2) court ordered requirements, (3) placement and licensure requirements, and (4) Federal reviews. In this second article of the series, I'll discuss changes in initial court order requirements pertaining to children placed into DCFS custody by court order.

Regional child protective services teams, foster care teams, and resource family consultants are encouraged to review relevant requirements in team meetings. I recommend including the regional eligibility worker(s) in these discussions, if possible.

Contrary to the Welfare/Best Interest

In 1997, Congress passed the Adoption and Safe Families Act, which strengthened requirements regarding safety and protection of children. At the same time, the law emphasized that states must ensure that children are only removed from home when necessary.

For many years, Federal law has required that courts determine whether or not it was in a child's best interest to be removed from home. Previous regulations allowed up to six months for a court to make this finding for Title IV-E funding purposes.

In the new regulations, the Administration for Children and Families changed the time period for obtaining this finding. The new regulations require that the **initial court order** that sanctions, even temporarily, the removal of the child from home must

include language to the effect that continuation in the home is “contrary to the welfare of the child” or that placement is in the “best interest” of the child.

If the judge does not make this determination in the initial hearing, the child cannot be determined eligible for Title IV-E for the entire foster care custody episode. This results in a significant loss of Federal funding, if the child otherwise meets Title IV-E eligibility criteria.

Reasonable Efforts to Prevent Removal

Also in an effort to ensure children are only removed when necessary, Federal law requires states to make reasonable efforts to prevent removal of a child, except in certain circumstances. Again, the courts are required to make this determination in order for Title IV-E funding to be available for a child.

Time Frame

Previous Federal regulations did not limit the length of time for states to obtain this determination. New regulations require that, if a child was removed as a result of a court order, the court to make this finding within 60 days of removal.

Reasonable Efforts Findings

To meet this requirement, a court must determine that either: (1) reasonable efforts were made to prevent removal or to prevent placement into foster care or (2) reasonable efforts were not required.

In the past, if a court found that an emergency situation existed, “reasonable efforts to prevent removal” were not necessary. Now, if a child was removed in an emergency situation, a judge must determine that, due to aggravated circumstances, the lack of preventative efforts was reasonable.

Reasonable efforts to prevent removal from home are not required if any of the circumstances listed below have occurred. These are the only reasons the “reasonable efforts to prevent removal finding” isn’t required for Title IV-E purposes.

- The parent(s) have subjected the child to aggravated circumstances as defined in state law, such as abandonment, torture, chronic abuse, and sexual abuse;
- The parent(s) have committed murder or voluntary manslaughter of another child of the parent, or have aided abetted, conspired, or solicited to commit such as murder or voluntary manslaughter;
- The parent has committed a felony assault that results in serious bodily injury to the child of the parent; or
- The parental rights of the parent to a sibling have been terminated involuntarily.

If the judge does not make this determination within 60 days of removal, the child cannot be determined eligible for Title IV-E for the entire foster care custody episode. This results in a significant loss of Federal funding, if the child otherwise meets Title IV-E eligibility criteria.

For further information on Title IV-E eligibility, contact your regional eligibility worker.

MEMORANDUM

TO: REGIONAL DCFS OFFICES

FROM: Ken Patterson
Division Director

DATE: November 17, 2000

SUBJECT: JOYOUS SEASON PAYMENTS TO FOSTER CHILDREN

It is the time of year for joyous season payments again. We will be mailing checks out on Monday, December 4. Payments will be made to providers with children open under the following codes: **CFP, CXP, DAG, DAI, DCC, DFB, DFM, DIR, DIS, DLF, DLR, DLS, DPG, DPI, DPM, DPR, DRC, DRH, DRM, DSM, DSS, DST, DTF, DTS, EFB, EFG, EFP, FHX, GHX, ILP, SCP, SEP, SFD, SFP, SFS, SHB, SHG, SSP, SXP, SXS**. Cases that are open under: **BAF, BFH, BGH, BHR, BSM, COR, CRT, ILN, MFN, SHN**, will need to be paid through SAFE on a Form 295S (One Time Payment). Children coming into care and opened on the SAFE system after December 4, will also need to be paid on a Form 295S.

The rates will be \$42.00 for children 5 years of age and under, \$54.00 for older children. Twelve dollars out of the \$54.00 is for the child to spend on gifts for their family or friends.

Please make sure the following is completed on the SAFE system by regional staff no later than the close of Friday, December 1st to insure a check being run to the providers:

1. Close providers who should not be open. Check SAFE and make sure your children are open to the correct providers.
2. Close the placement in the incorrect home and open a placement (payment authorization) to the correct provider.

All checks will be mailed directly to the providers on December 4, so regional staff will not need to distribute them.

If a provider's license is expired at the time of the check run, payment cannot be made until the license is updated. Please contact your regional Family Resource Consultant to consult with licensing and update the provider. (JSP is a companion service to the above listed codes, providers who have a current level of care open do not need to have a JSP added to the PR07 screen. Only those providers who are non-paid providers will need to have the JSP open on the PR07 screen in USSDS).

If you have any questions, please contact Linda O'Brien at DCFS State Office (Finance). Thanks